

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIANNE MARLON,)
PLAINTIFF,)
VS.)
WESTERN NEW ENGLAND)
COLLEGE,)
DEFENDANT)

)

Case No.: 01-12199-FHF

FILED
IN CLERK'S OFFICE

2003 APR 25 P 3:08

U.S. DISTRICT COURT
DISTRICT OF MASS.

DOCKETED

DEFENDANT WESTERN NEW ENGLAND COLLEGE'S MOTION FOR SUMMARY
JUDGMENT

Now comes the Defendant, Western New England College (hereinafter "College"), through its attorney, and respectfully moves, that this Honorable Court grant the College's Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56, and dismiss the complaint filed by Dianne Marlon (hereinafter "Plaintiff"). The College respectfully submits to this Honorable Court that:

1. Plaintiff fails to qualify as an "individual with a disability" under both the ADA and the Rehabilitation Act.
2. Even if Plaintiff were considered disabled under the above provisions, the College reasonably accommodated Plaintiff accordingly.
3. By failing to qualify as an "individual with a disability" under both the ADA and the Rehabilitation Act, the Plaintiff's third claim of relief, violation of M.G.L Ch. 93, §103 must also fail.

Furthermore, there are no genuine issues of material fact in dispute, and the College is entitled to Summary Judgment as a matter of law.

REQUEST FOR ORAL ARGUMENT

Wherein, the College respectfully requests that this Honorable Court hear Oral Argument in this matter.

Respectfully submitted,

Western New England College
By its attorney:

Cheryl I. Smith

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CERTIFICATE OF SERVICE

I, Cheryl I. Smith, hereby certify that I have this day sent a copy of the foregoing document by first class mail and certified mail, postage prepaid, directed to all counsel of record.

Dated: April 25, 2003

Cheryl I. Smith

Cheryl I. Smith